

### DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **MUSIC INTERFACE FOR MEDIA-RICH INTERACTIVE PROGRAM GUIDE** the specification of which   X   is attached hereto or        was filed on                      as Application No.                      and was amended on                      (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date
60/219,076	July 18, 2000

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
09/583,388	May 30, 2000	Pending
09/585,263	June 2, 2000	Pending
09/562,491	May 1, 2000	Pending
09/359,560	July 22, 1999	Pending

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

James K. Okamoto, Reg. No. 40,110  
Paul C. Haughey, Reg. No. 31,836  
William L. Shaffer, Reg. No. 37,234  
Kenneth R. Allen, Reg. No. 27,301

<b>Send Correspondence to:</b> <b>James K. Okamoto</b> <b>TOWNSEND and TOWNSEND and CREW LLP</b> <b>Two Embarcadero Center, 8<sup>th</sup> Floor</b> <b>San Francisco, California 94111-3834</b>	<b>Direct Telephone Calls to:</b> (Name, Reg. No., Telephone No.) <b>Name: James K. Okamoto</b> <b>Reg. No.: 40,110</b> <b>Telephone: 650-326-2400</b>
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Full Name of Inventor 1:	Last Name: <b>GORDON</b>	First Name: <b>DONALD</b>	Middle Name or Initial: <b>F.</b>	
Residence & Citizenship:	City: <b>Los Altos</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
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Full Name of Inventor 2:	Last Name: <b>BAYRAKERI</b>	First Name: <b>SADIK</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>Foster City</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>Turkey</b>	
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Full Name of Inventor 3:	Last Name: <b>DELOS REYES</b>	First Name: <b>ARLEEN</b>	Middle Name or Initial: <b>F.</b>	
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Full Name of Inventor 4:	Last Name: <b>CALA</b>	First Name: <b>ROBERT</b>	Middle Name or Initial: <b>T.</b>	
Residence & Citizenship:	City: <b>Belmont</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>4112 Marsten Avenue</b>	City: <b>Belmont</b>	State/Country: <b>California</b>	Postal Code: <b>94002</b>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
Donald F. Gordon	Sadik Bayrakeri	Arleen F. Delos Reyes
Date	Date	Date
Signature of Inventor 4		
Robert T. Cala		
Date		

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Attorney Docket No.: 19880-002710US  
Client Reference No.: 245-CIP6

## ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Donald F. Gordon of 465 Gabilan Street #10, Los Altos, CA 94022; Sadik Bayrakeri of 733 Shell Boulevard #104, Foster City, CA 94404; Arleen F. Delos Reyes of 1183 Foster City Blvd. #2, Foster City, CA 94404; Robert T. Cala of 4112 Marsten Avenue, Belmont, CA 94002; hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: MUSIC INTERFACE FOR MEDIA-RICH INTERACTIVE PROGRAM GUIDE

Date(s) of execution of Declaration: 2/26/01 and 2/19/01

Filing Date: August 16, 2000

Application No.: 09/640,966; and

WHEREAS, DIVA Systems Corporation, a corporation of the state of Delaware, located at 800 Saginaw Drive, Redwood City, CA, 94063, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

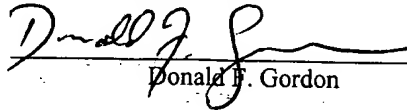
Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8<sup>th</sup> Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

**COPY**

Assignment  
Attorney Docket No.: 19880-002710US  
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IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 2/26/01

  
Donald F. Gordon

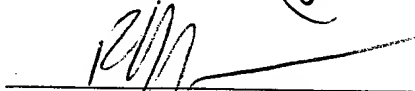
Dated: 2-19-01

  
Sadik Bayrakeri

Dated: 2/19/01

  
Arleen F. Delos Reyes

Dated: 2/19/01

  
Robert T. Cala